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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,968	11/13/2003	Peter W. Barthelmess	52781-0014	6771
31824	7590	02/23/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 18191 VON KARMAN AVE. IRVINE, CA 92612-7107			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,968	Applicant(s) BARTHELMESS, PETER W.	
	Examiner Tuyet Vo	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-45 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: Claim 16 is not defined its dependency due to self-dependency. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the microprocessor and DC power must be shown or the feature(s) canceled from the claims 1-45. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Page 7, line 17, suggest replacing "102" with --200-- for consisting in designate the sensor unit with the same numerical character.

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4-11, 13, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rice et al. (US Pub. 2002/0154787), hereinafter Rice.

Regarding claims 1, 3, 4 and 13, Rice discloses a light display power box (Fig. 2), comprising:

a plurality of outlets (58), including a first of said plurality of outlets adapted to receive at least one string of clear lights, and a second of said plurality of outlets adapted to receive at least one string of colored lights ([0226], [0227]); a sensor unit (28), adapted to receive sound/detect signals and send a command signals to the display power box via a cable (26); electronic circuitry (Figs 7A-7C) including a microprocessor (PIC16F872) programmed to receive, process, and use said sound/detect signals to cause said at least one string of colored lights and said at least one string of clear lights to illuminate either together or separately according to a selected

Art Unit: 2821

light display pattern ([0032]-[0041]); and an AC power plug (54) adapted to connect to a power source for providing power to said light display power box.

Regarding claims 5-11, Rice further discloses the command signals via cable (26) to alter the brightness of the string lights having the same or different colors ([0233]) or blink/dim the strings lights at random/sequence pattern ([0033]-[0039]).

Regarding claims 16 and 19, Rice also teaches the sensor unit (28), functioning as a transceiver to detect/receive music sound from a sound source (12) and transform the music sound into command signals, can be modified as a remote control unit adapted to receive/send radio signals via cable (26) to the display box ([0239]).

Regarding claim 18, Rice also suggest the sensor unit (28) can be mounted/affixed at a desired location ([0239]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice.

Regarding claims 21 and 28, Rice discloses a light display power box comprising:

a plurality of outlets (58), adapted to receive at least one string of clear/white lights, and one string of colored lights ([0226], [0227]), wherein at least one said string of color lights having at least two different colors; a sensor unit (28), adapted to receive/detect signals (40) and send command signals to the display power box via a cable (26); electronic circuitry (Figs 7A-7C) including a microprocessor (PIC16F872) programmed to receive, process, and use said detecting signals to cause said at least one string of colored lights and said at least one string of clear lights to illuminate either together or separately according to a selected light display pattern ([0032]-[0041]); and an AC power plug (54) adapted to connect to a power source for providing power to said light display power box.

Art Unit: 2821

Even though Rice does not specifically mention the exact a number of the outlets on the display power box, Rice would suggest the selection at desire choice and leave that limited outlets up to skill in the art for particular design as long as ensuring a proper power for operation. Such extension/implementation is considered as a routine skill in the art.

Regarding claims 22-27, Rice discloses the command signals via cable (26) to alter the brightness of the string lights having the same or different colors ([0233]) or blink/dim the strings lights at random/sequence pattern ([0033]-[0039]).

8. Claims 1, 2, 14, 15, 17, 20, 21, 23, 29-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe in view of Rice.

Regarding claims 1, 2, 14, 15, 17, 21, 23 and 29-45, Lowe discloses a remotely controlled light display comprising:

A display power box (16) having the same/different colored strings being controlled random/pattern by remote transmitter (44). The remote transmitter has all features as claim invention such as including a plurality of buttons (46) for controlling the lighting pattern or a window (48) for wirelessly transmitting command signals (RF) to the display power box. The display power box has almost all features as claim invention such as including AC plug (12) adapted to provide DC power (Fig. 2) to the lights, including a infrared sensor (56) or a microprocessor (U1) programmed to receive, process and use the command signals to control the light behavior. The only difference between the claim invention and Lowe is a specific number of outlets on the display power box of the claim invention while not shown on the Lowe lighting system. However, Rice would fulfills the missing of Lowe remotely lighting system by comprising a plurality of outlets on a display power box, wherein each outlets being adapted for controlling different/same colored string lights, wherein a command signals for controlling the light behavior being established via a sound/music.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the display power box with a plurality of outlets as taught by Rice into Lowe remote lighting unit in order to extend the number of string lights with different/same color at desire while achieving an advantage of replacing/changing the light strings with less time consuming.

Art Unit: 2821

Regarding claim 20, Lowe in view of Rice discloses substantially the claim invention as noted above except for suggesting a specific value of radio frequency in range of 200MHz-400MHz to operate the transmitter. Since radio frequency operating at the above range is well known in the art, one skill in the art would recognize possible ranges of radio frequency to operate number of transmitters in a massive product market as long as preventing frequency interference. Such implementation is considered as a routine skill in the art.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rice in view of Robertson et al. (US Pub. 2004/0150984), hereinafter Robertson.

Rice discloses substantially the claim invention as noted above except for the display power box comprising an ON/OFF switch.

Robertson discloses an illuminated power box/strip (Fig. 3) have a plurality of outlets and an ON/OFF switch.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an ON/OFF switch as taught by Robertson into the Rice lighting system in order to increase convenience as well as controllability of the power box at any time to pass the flow of current to a lighting circuitry. Such implementation is considered as a routine skill in the art.

Citation of pertinent prior art

10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Weiner et al. (US Pat. 4,215,277) discloses sequencing lighting controller.

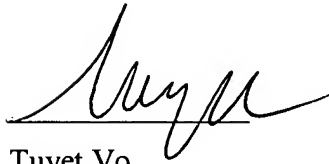
Correspondence

Art Unit: 2821

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

A handwritten signature in black ink, appearing to read 'Tuyet Vo', is written over a horizontal line.

Tuyet Vo

Primary Examiner

February 20, 2005